IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14930 of 2004

Between:

M/s.Ganis Scientific & Surgicals, represented by proprietor M.A.Samad, S/o M.A.Gani, R/o Hyderabad.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam District.
2 The Joint Collector & Chairman, Purchasing Committee of TLE, SSA, Visakhapatnam.
3 The Additional Project Co-ordinator, District Primary Education, Program Cell, Visakhapatnam.
4 The District Educational Officer, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing the proceeding LR No.20/F/2003 dt.28-07-2004, rejecting the tender of the petitioner-firm herein, is illegal, arbitrary and the same is violative of principles of natural justice and Article 19(g) of Constitution of India

Counsel for the Petitioner: MR.A.NARASIMHA RAO

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner for issuance of writ of *mandamus* declaring the action of the second respondent in issuing proceedings dated 28.07.2004 rejecting the tender quoted by it, as illegal, arbitrary and violative of principles of natural justice.

2. The petitioner is a proprietary concern represented by one Mr. M.A.Samad. It is stated that the petitioner-firm was participating in the tenders for supplying laboratory equipments, audio, visual, research and industrial bulk chemicals and all education requirements. It is also stated that the petitioner was supplying all such material to various leading organizations, which includes DMRL, DRDL, BDL, Technical Education and Operation Black Board etc. While so, the respondents invited tender for supply of teaching learning equipment to upper Primary School, Visakhapatnam District. In response to the same, the petitioner applied for tender schedule and accordingly submitted its tender for supply of the material. According to the petitioner, the work ought to have been allotted to it for supply of material but however, its tender was rejected. Hence, the present writ petition.

3. On an earlier occasion, when the matter came up before this Court, the learned Government Pleader for School Education, on instructions, reported that the petitioner-firm was black listed for its failure to perform the function of supplying materials as per the orders placed on it as a successful tenderer. Further, the proceedings dated 28.06.2004 were issued showing that the petitioner was black listed. It is further stated that the petitioner was also black listed by the Joint Collector and Chairman of D.P.E.P., Visakhapatnam and a copy of the same is filed

at page No.7 of the material papers, filed along with the counter-affidavit. Therefore, the petitioner cannot have any grievance.

4. Heard both sides.

5. In view of the orders passed by various authorities black listing the petitioner for its failure to comply with the terms of the contract entered by it with the various authorities, the rejection is proper and just and the petitioner cannot complain further, as the tender was rejected as earlier as on 28.07.2004. Therefore, the petitioner is not entitled to any relief at this stage.

6. The writ petition is accordingly dismissed. No costs.

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S. Ananda Reddy, J

Date: 20.06.2005

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To

1 The District Collector, Visakhapatnam District.
2 The Joint Collector & Chairman, Purchasing Committee of TLE, SSA, Visakhapatnam.
3 The Additional Project Co-ordinator, District Primary Education, Program Cell, Visakhapatnam.
4 The District Educational Officer, Visakhapatnam.

5 Two CCs to G.P for Education, High Court of A.P. Buildings, Hyderabad (OUT)

6 Two CD Copies